THE HON'BLE SRI JUSTICE S.ANANDA REDDY

Writ Petition No.20647 of 2007

01.10.2007

Between

Smt.K.Anuradha

…Petitioner

And

The A.P.State Election Commission, Buddha Bhavan, M.G.Road, Secunderabad and others.

…Respondents

THE HON'BLE SRI JUSTICE S.ANANDA REDDY

Writ Petition No.20647 of 2007

ORDER:

This writ petition is filed by the petitioner on behalf of her husband, one Mr.Katari Mohan, who is stated to have been elected as one of the Counsellors of Chittoor Municipality questioning the notification issued by the first respondent for filling up the vacant post of Counsellor as a result of the disqualification of the petitioner's husband.

It is stated that as the petitioner's husband was declared disqualified for his absence for three consecutive General Meetings, he filed an application under Section 16(3) of the Municipalities Act, 1965 seeking to restore his Counsellorship and the said application has not been disposed of so far. Hence, the notification issued

proposing to conduct elections by the first respondent during the pendency of the said application is illegal and without jurisdiction. Therefore, the petitioner sought quashing of the said notification issued by the first respondent.

After hearing the learned counsel for the petitioner and the learned Standing Counsel, this Court is not inclined to accept the contentions of the petitioner. First of all, the petitioner is not the person who was elected. If her husband has been elected as a Counsellor in the elections that were conducted earlier, it is his personal right that had accrued to him, who was disqualified for his absence for three consecutive General Meetings and as a result of which a vancancy of Counsellor post has arisen. Even in the present writ petition also, the petitioner claims that whereabouts of her husband are not known.

In view of the above circumstances, the writ petition is misconceived and the writ petition cannot be maintained by the petitioner. Accordingly, the writ petition is dismissed. No costs.

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01.10.2007

VGB